

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Gary Edwards on 1/4/2008.

The application has been amended as follows:

**Claims 1-3** have been canceled.

**Claim 4** has been amended as follows:

Claim 4. (Currently Amended) Ordnance comprising an inner wall defining a cavity, said cavity filled with explosives material, said explosives material being contained in a an elastomeric bag within said cavity, wherein, in an unstretched ~~stated~~ state, said bag has a volume that is smaller than that of the explosives cavity of said ordnance, wherein, in said unstretched state, the bag has a volume in a range 5% to 10% less than that of the explosives cavity of said ordnance.

2. The following is an examiner's statement of **reasons for allowance**: The closest know prior art is US 2,373,883 (Ferrel). However Ferrel does not disclose that the

elastomeric bag, in its unstretched state, has a volume in the range of 5% to 10% less than that of the explosives cavity of the ordnance.

3. This statement is not intended to necessarily state all the reasons for allowance or all the details why the claims are allowed and has not been written to specifically or impliedly state that all the reasons for allowance are set forth (MPEP 1302.14).
4. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James S. Bergin whose telephone number is 571-272-6872. The examiner can normally be reached on Monday - Wednesday and Friday, 8.30 - 5.30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone can be reached on 571-272-6873. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business

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Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/James S. Bergin/  
Primary Examiner, Art Unit 3641